

CHAPTER 12 CODES OF CONDUCT

351—12.1(68B) Board code of ethics. Board members and employees shall abide by the code of ethics for the executive branch set out in rule 12.3(68B), as well as to the code of ethics set out in this rule.

12.1(1) Making monetary and in-kind contributions to the committees of candidates for Iowa public office is prohibited, including statewide, general assembly, county, municipal and school board candidates. Contributions are permitted to be made to Iowa candidates for federal office since the board has no jurisdiction over federal candidates.

12.1(2) Serving as an officer or member of a candidate's committee of a candidate for Iowa public office is prohibited, whether the service is volunteer or paid.

12.1(3) Making monetary or in-kind contributions to political party committees or political action committees (PACs) at the state, county or local level is prohibited, including local ballot issue committees.

12.1(4) Running for or serving as an officer or member of any political committee or PAC is prohibited (including serving as an officer or member of a state political party committee, county political party committee or local political party committee).

12.1(5) Public personal endorsement of a candidate or publicly taking a position in support or opposition of a ballot issue question is prohibited.

12.1(6) Running for or holding elective public office is prohibited.

12.1(7) Attendance at a political party or candidate event is permitted.

12.1(8) Serving as a delegate to a county or state political party convention is prohibited. Serving as a delegate to a national political party convention is permitted since the board has no jurisdiction over national political party activities.

12.1(9) If a board member or employee is aware of a disqualifying conflict of interest, that member or employee must provide notice of recusal stating the reason for recusal, and must refrain from any participation in the matter.

12.1(10) Board employees shall not engage in any outside employment which creates a potential conflict of interest or which creates the appearance of a conflict without the authorization of the board.

12.1(11) None of the prohibitions applicable to board members and employees apply to the spouse or other family members. However, actions by a spouse or other family member may create a potential conflict of interest on the part of the board member or employee which may necessitate recusal from a matter.

This rule is intended to implement Iowa Code sections 68B.2A, 68B.4 and 68B.32A.

351—12.2(68B) Board sales of goods and services. Board members and employees shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations that are subject to the regulatory authority of the board except as authorized by this rule. However, the sale of services of political consulting or advising regarding Iowa Code chapters 56 and 68B, or the sale of materials regarding politics or chapters 56 and 68B, shall not be permitted.

12.2(1) Conditions of consent. Consent shall be given by a majority of the members of the board. Consent shall not be given to a member or employee to sell goods or services to an individual, association, or corporation regulated by the board unless all of the following conditions are met:

a. The person requesting consent does not have authority to determine whether consent should be given.

b. The person's duties or functions are not related to the board's regulatory authority over the individual, association or corporation to whom the goods and services are being sold, or the selling of the good or service does not affect the person's duties or functions.

c. The selling of the good or service does not include acting as an advocate on behalf of the individual, association, or corporation to the board.

d. The selling of the good or service does not result in the person selling a good or service to the board on behalf of the individual, association, or corporation.

12.2(2) *Authorized sales.*

a. A member or employee of the board may sell goods or services to an individual, association, or corporation regulated by the board if those goods or services are routinely provided to the general public as part of that person's regular business practice. This consent is granted because the sale of such goods or services does not affect the board member or employee's duties or functions on the board. However, upon request by the board, the member or employee shall make full factual disclosure regarding the sales and shall permit view to ensure compliance with the test set out in subrule 12.2(1) and Iowa Code section 68B.4.

b. Individual application and approval are not required for the sales authorized by this subrule unless there are unique facts surrounding a particular sale which would cause the sale to affect the seller's duties or functions, would give the buyer an advantage in dealing with the board, or would otherwise present a conflict of interest.

12.2(3) *Application for consent.* Prior to selling a good or service to an individual, association, or corporation subject to the regulatory authority of the board, a member or employee must obtain prior written consent unless the sale is specifically allowed in subrule 12.2(2). The request for consent must be in writing signed by the person requesting consent. The application must provide a clear statement of all relevant facts concerning the sale. The application should identify the parties to the sale and the amount of compensation. The application should also explain why the sale should be allowed.

12.2(4) *Limitation of consent.* Consent shall be in writing and shall be valid only for the activities and the time period specifically described in the consent. Consent can be revoked at any time by a majority vote of the members of the board upon written notice to the person. A consent provided under these rules does not constitute authorization for any activity which is a conflict of interest under common law or which would violate any other statute or rule. It is the responsibility of the member or employee requesting consent to ensure compliance with all other applicable laws and rules.

This rule is intended to implement Iowa Code section 68B.4.

351—12.3(68B) Code of ethics for state executive branch officials and employees and statewide candidates.

12.3(1) Unless otherwise prohibited by state or federal statute or rule, officials, employees and candidates are permitted to make contributions to candidates, political parties and political committees of their choice at all levels, but no such person under color of office shall influence another person to make contributions.

12.3(2) Officials, employees and candidates are prohibited from the use of facilities, equipment or materials paid for by public funds for any political purpose, including the use of employee time during regular working hours. "Political purpose" means activities directly related to a campaign, election, political party or nonparty political organization, and does not include activities which are primarily applications of public policy decisions with potential political implications. This prohibition does not bar the use of public facilities, equipment or materials where such use is commonly available to the general public or where the facilities constitute a public forum. This prohibition does not preclude a use combining a public purpose with a political purpose so long as the primary use is public and reimbursement to the state is made of any and all expenses resulting from the secondary political purpose. As elected officials do not have regular working hour criteria, this prohibition does not restrict the use of time of statewide elected officials.

12.3(3) Officials, employees and candidates are prohibited from displaying campaign promotional materials on state government property. "Campaign promotional materials" do not include political buttons or other political paraphernalia if they are worn on the person.

12.3(4) Officials, employees and candidates may display bumper stickers and campaign signs on personal vehicles which are parked in state public or employee parking lots of facilities in which the persons are either employed or are visiting to conduct business. Vehicles with campaign signs cannot be parked in state parking lots for periods exceeding 24 consecutive hours.

12.3(5) State-owned vehicles are prohibited from being used to store or transport campaign or political materials, and officials, employees and candidates are prohibited from driving state vehicles while primarily engaged in political activities.

12.3(6) State officials and employees shall not use their positions for private purpose or personal gain. For the purpose of this subrule, use for private purpose or personal gain includes the direct use of the color of office to gain an improper election advantage. For example, state officials or employees who are candidates may provide constituency services consistent with their position, but may not use their position or title to directly seek political support. Related criminal prohibitions appear in Iowa Code sections 721.2 and 721.3.

12.3(7) State officials and employees shall not engage in outside employment except as permitted by Iowa Code section 68B.2A. Outside employment shall be approved by the person's appointing authority.

This rule is intended to implement Iowa Code section 68B.32A.

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